

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

VERNON L. BROOKS,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00353

STEPHEN P. GRAZIANI,

Defendant.

ORDER

By Standing Order entered on January 4, 2016, and filed in this case on August 24, 2022, (ECF No. 3), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley filed his PF&R on February 1, 2023, recommending the Court dismiss this action for lack of subject-matter jurisdiction or, alternatively, dismiss the action *sua sponte* pursuant to the *Rooker-Feldman* abstention doctrine, and deny all pending motions as moot. (ECF No. 25.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general

and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on February 21, 2023. To date, Plaintiff has not filed any objections. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 25), and **DISMISSES** the action *sua sponte* for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). Further, the Court **DENIES** all pending motions as **MOOT**. The Court **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 24, 2023



THOMAS E. JOHNSTON, CHIEF JUDGE